

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION**

IN RE: ARC AIRBAG INFLATORS
PRODUCTS LIABILITY
LITIGATION

MDL No. 3051
Case No. 1:22-md-03051-ELR

**PLAINTIFFS' MOTION FOR
ORAL ARGUMENT ON
MOTIONS TO DISMISS**

Plaintiffs respectfully request that the Court set oral argument on the motions to dismiss filed by the Defendants appearing in this multidistrict litigation. Defendants have filed eleven motions to dismiss.¹ Plaintiffs have opposed the motions,² and Defendants recently filed replies.³

The parties present numerous legal issues and extensive case authorities for the Court's consideration. While Plaintiffs welcome the Court's questions with respect to any matters bearing on the motions, they believe oral argument on the following issues would help distill the most salient points and authorities from the hundreds of pages of submissions before the Court:

1. Defendants' alleged knowledge of the Inflator Defect;

¹ See Dkts. 178 (Tier 1 Suppliers), 179 (ARC Automotive, Inc.), 180 (Hyundai-Kia), 181 (Automaker Defendants' Joint Motion), 182 (Volkswagen), 183 (BMW), 184 (Audi), 185 (Ford), 186 (General Motors), 187 (Porsche), 188 (FCA).

² See Dkts. 219-229.

³ See Dkts. 241-251.

2. Defendants' alleged duty to disclose the Inflator Defect;
3. Defendants' alleged breaches of express and implied warranties;
4. Whether the economic loss rule applies to any of Plaintiffs' claims; and
5. The timeliness of Plaintiffs' claims (to the extent challenged by Defendants).

Plaintiffs attempted to coordinate with Defendants on a joint motion for oral argument, but our efforts were unsuccessful. The parties are, however, aligned on the basic principle that oral argument would be productive in this MDL.

In light of the foregoing, Plaintiffs request that the Court schedule in-person oral argument to address the questions enumerated above and any others the Court may have.

Dated: February 22, 2024

/s/Roland Tellis

Roland Tellis
rtellis@baronbudd.com
David Fernandes
dfernandes@baronbudd.com
Adam Tamburelli
atamburelli@baronbudd.com
Jay Lichter
jlichter@baronbudd.com
Sterling Cluff
scluff@baronbudd.com
BARON & BUDD, P.C.
15910 Ventura Blvd #1600
Encino, CA 91436
Tel: (818) 839-2333

Respectfully submitted,

/s/ Demet Basar

Demet Basar
demet.basar@beasleyallen.com
W. Daniel "Dee" Miles, III
dee.miles@beasleyallen.com
J. Mitch Williams
mitch.williams@beasleyallen.com
Dylan T. Martin
dylan.martin@beasleyallen.com
**BEASLEY, ALLEN, CROW,
METHVIN, PORTIS & MILES,
P.C.**
272 Commerce Street
Montgomery, AL 36104
Tel: (334) 269-2343

H. Clay Barnett, III (GA Bar 174058)
clay.barnett@beasleyallen.com
Thomas P. Willingham (GA Bar
235049)
tom.willingham@beasleyallen.com
**BEASLEY, ALLEN, CROW,
METHVIN, PORTIS & MILES,
P.C.**
Overlook II
2839 Paces Ferry Rd SE, Suite 400
Atlanta, GA 30339
Tel: (404) 751-1162

/s/ James E. Cecchi

James E. Cecchi
jcecchi@carellabyrne.com
**CARELLA, BYRNE, CECCHI,
BRODY & AGNELLO, P.C.**
5 Becker Farm Road
Roseland, NJ 07068
Tel: (973) 994-1700

Zachary Jacobs
zjacobs@carellabyrne.com
**CARELLA, BYRNE, CECCHI,
BRODY & AGNELLO, P.C.**
222 South Riverside Plaza
Chicago, IL 60606
Tel: (973) 994-1700

Jason H. Alperstein
jalperstein@carellabyrne.com
Zachary J. Bower
zbower@carellabyrne.com
**CARELLA, BYRNE, CECCHI,
BRODY & AGNELLO, P.C.**
2222 Ponce De Leon Blvd.
Miami, FL 33134
Tel: (973) 994-1700

/s/ Elizabeth T. Castillo

Niall P. McCarthy
nmccarthy@cpmlegal.com
Elizabeth T. Castillo
ecastillo@cpmlegal.com
David G. Hollenberg
dhollenberg@cpmlegal.com
**COTCHETT, PITRE &
McCARTHY, LLP**
840 Malcolm Road
Burlingame, CA 94010
Tel: (650) 697-6000

Hannah K. Brown
hbrown@cpmlegal.com
Theresa E. Vitale
tvitale@cpmlegal.com
**COTCHETT, PITRE &
McCARTHY, LLP**
2716 Ocean Park Blvd., Suite 3088
Santa Monica, CA 90405
Tel: (310) 392-2008

/s/ David S. Stellings

David S. Stellings
dstellings@lchb.com
Michael J. Miarmi
mmiarmi@lchb.com
Katherine I. McBride
kmcbride@lchb.com
Gabriel A. Panek
gpanek@lchb.com
**LIEFF CABRASER HEIMANN &
BERNSTEIN, LLP**
250 Hudson Street, 8th Floor
New York, NY 10013
Tel: (212) 355-9500

Nimish R. Desai
ndesai@lchb.com
**LIEFF CABRASER HEIMANN &
BERNSTEIN, LLP**
275 Battery Street, 29th Floor
San Francisco, CA 94111
Tel: (415) 956-1000

/s/ Kevin R. Dean

Kevin R. Dean (GA Bar 214855)
kdean@motleyrice.com
Ann K. Ritter
aritter@motleyrice.com
Lance V. Oliver
loliver@motleyrice.com
Sara O. Couch
scouch@motleyrice.com
MOTLEY RICE LLC
28 Bridgeside Boulevard
Mount Pleasant, SC 29464
Tel: (843) 216-9000

/s/ Matthew D. Schultz

Matthew D. Schultz
mschultz@levinlaw.com
William F. Cash
bcash@levinlaw.com
**LEVIN, PAPANTONIO,
RAFFERTY, PROCTOR,
BUCHANAN, O'BRIEN, BARR &
MOUGEY, P.A.**
316 S. Baylen St., Suite 600
Pensacola, FL 32502
Tel: (850) 435-7140

Leadership Committee for Plaintiffs and the Proposed Classes

/s/ Michael A. Caplan

Michael A. Caplan (GA Bar 601039)
mcaplan@caplancobb.com
T. Brandon Waddell (GA Bar 252639)
bwaddell@caplancobb.com
Ashley C. Brown (GA Bar 287373)
abrown@caplancobb.com
CAPLAN COBB LLC
75 Fourteenth Street NE, Suite 2700
Atlanta, GA 30309
Tel: (404) 596-5600

/s/ M.J. Blakely

M.J. Blakely (GA Bar 708906)
mjblakely@blakelyfirm.com
THE BLAKELY FIRM, L.L.C.
P.O. Box 3314
Decatur, GA 30031
Tel: (404) 491-0617

Co-Liaison Counsel for Plaintiffs and the Proposed Classes

CERTIFICATION

Pursuant to Civil Local Rule 7.1, the undersigned counsel certifies this motion has been prepared with one of the font and point selections approved by the Court in Civil Local Rule 5.1.

/s/ David S. Stellings
David S. Stellings

CERTIFICATE OF SERVICE

On February 22, 2024, I hereby certify that I have caused a true and correct copy of the foregoing to be filed with the Clerk of the Court using the CM/ECF system, which will send a notification of the filing to all counsel of record.

/s/ David S. Stellings
David S. Stellings